

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Baker offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 794.053, Florida Statutes, is created
 8 to read:

9 794.053 Lewd or lascivious written solicitation of certain
 10 minors.—A person 24 years of age or older who solicits a person
 11 who is 16 or 17 years of age in writing to commit a lewd or
 12 lascivious act commits a felony of the third degree, punishable
 13 as provided in s. 775.082, s. 775.083, or s. 775.084.

14 Section 2. Paragraph (c) of subsection (3) of section
 15 921.0022, Florida Statutes, is amended to read:

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16	921.0022 Criminal Punishment Code; offense severity		
17	ranking chart.—		
18	(3) OFFENSE SEVERITY RANKING CHART		
19	(c) LEVEL 3		
20			
	Florida	Felony	
	Statute	Degree	Description
21	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
22	316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
23	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
24	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
25			

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Bill No. HB 431 (2023)

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26	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
27	319.33(1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
28	319.33(1) (c)	3rd	Procure or pass title on stolen vehicle.
29	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
30	327.35(2) (b)	3rd	Felony BUI.
	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent

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31			titles or bills of sale of vessels.
	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
32			
	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
33			
	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
34			

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35	379.2431 (1) (e) 6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
36	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
37	400.9935(4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
38	400.9935(4) (e)	3rd	Filing a false license application or other required information or failing to report information.

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39	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
40	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
41	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
42	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
43	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
	697.08	3rd	Equity skimming.

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44	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
45	<u>794.053</u>	<u>3rd</u>	<u>Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.</u>
46	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
47	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
48	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.

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49	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
50	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
51	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
52	812.081 (2)	3rd	Theft of a trade secret.
53	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
54	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
55	817.233	3rd	Burning to defraud insurer.
56			

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57	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
58	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
59	817.236	3rd	Filing a false motor vehicle insurance application.
60	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
61	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
62	817.49 (2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.

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63	831.28(2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
64	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
65	836.13(2)	3rd	Person who promotes an altered sexual depiction of an identifiable person without consent.
66	838.021(3) (b)	3rd	Threatens unlawful harm to public servant.
67	843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.

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68	860.15(3)	3rd	Overcharging for repairs and parts.
69	870.01(2)	3rd	Riot.
70	870.01(4)	3rd	Inciting a riot.
71	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
72	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.

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73	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
74	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
75	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
76	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

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77	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
78	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
79	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
80	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
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82	893.13(8) (a) 2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
83	893.13(8) (a) 3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
84	893.13(8) (a) 4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
85	918.13(1)	3rd	Tampering with or fabricating physical evidence.

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86 944.47 3rd Introduce contraband to
(1) (a)1. & 2. correctional facility.

87 944.47(1) (c) 2nd Possess contraband while
upon the grounds of a
correctional institution.

88 985.721 3rd Escapes from a juvenile
facility (secure detention
or residential commitment
facility).

89 Section 3. This act shall take effect October 1, 2023.

90 -----

91 **T I T L E A M E N D M E N T**

92 Remove everything before the enacting clause and insert:

93 A bill to be entitled

94 An act relating to solicitation of minors to commit lewd or
95 lascivious acts; creating s. 794.053, F.S.; prohibiting a person
96 24 years of age or older from soliciting a person 16 or 17 years
97 of age in writing to commit a lewd or lascivious act; providing
98 criminal penalties; amending s. 921.0022, F.S.; ranking an
99 offense on the offense severity chart of the Criminal Punishment
100 Code; providing an effective date.